

To What Extent Do Annual Filings Protect Fiduciaries?

You're in good company in believing that annual filings with the Department of Labor handle your liability, but in 2007 a very large engineering and construction firm petitioned a court to dismiss it from a participants' retirement plan lawsuit because the plan was totally compliant with Department of Labor regulations.

- Motion denied. **Regulatory** compliance matters in a **regulatory** complaint, but it is irrelevant in a **participant suit**.

Consider: If Department of Labor filings don't count to refute participant suits what do you have left in your defenses?

(Kanawi v. Bechtel)